

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL PATRICK HARD,
Plaintiff,

v.

PAT CICHOWICZ, et al.,
Defendants.

Case No. [14-cv-04610-VC](#)

ORDER RE: PENDING MOTIONS

Re: Dkt. Nos. 12, 13, 15, 19 and 20

Plaintiff Daniel Patrick Hard filed a *pro se* civil rights action alleging that the Estate of Cecil Dunn, the Lake County Department of Social Services and its employees Pat Cichowicz and James Grogg violated his due process rights in relation to Hard's property. In a February 13, 2015 Order of Partial Dismissal and Order of Service, the Court dismissed claims against the Estate of Cecil Dunn with prejudice and dismissed claims against the Lake County Department of Social Services with leave to amend. The Court ordered service on Cichowicz and Grogg. The Court also denied without prejudice Hard's motions for a temporary restraining order or preliminary injunction.

On April 8, 2015, this case was reassigned to the undersigned district court judge. On April 16, 2015, the Court mail notifying Hard of the reassignment was returned as undeliverable. Previously, on April 6, 2015, Hard filed a motion for extension of time to file a change of address, explaining that he was being transferred from a prison in Mississippi to a prison in California and that it would be 90 to 120 days before he would have a stable address. He provided a temporary address for the time he would be in transit. The Court sent its notice to this temporary address and the mail was returned as undeliverable. It appears that for 90 to 120 days, Hard's address will not be known to the Court or to the defendants.

1 In light of this, the Court orders as follows:

2 1. Hard's motion for an extension of time to file his current address is granted. Dkt. No.
3 13. However, if he does not file a notice of his current address within 120 days from the date of
4 this Order, his case will be dismissed without prejudice pursuant to Northern District Local Civil
5 Rule 3-11. His motion for an extension of time to file an amended complaint is granted. He must
6 file the amended complaint within twenty-eight days of providing notice of his new address.

7 2. Hard's motions for a temporary restraining order and appointment of counsel are denied
8 without prejudice to re-filing when he has a permanent address, if he believes they are necessary at
9 that time. Dkt. Nos. 12 and 15.

10 3. The defendants' motions for an extension of time to file their answer and dispositive
11 motion are granted. Their answer is due twenty-eight days after Hard files his notice of current
12 address and their dispositive motion is due twenty-eight days thereafter. Dkt. Nos. 19 and 20.

13 **IT IS SO ORDERED.**

14 Dated: May 8, 2015



VINCE CHHABRIA
United States District Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 5/8/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Daniel Patrick Hard ID: AS7874
c/o
Judy Caires
P.O. Box 93
Clearlake Oaks, CA 95423

Dated: 5/8/2015

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA